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Corbin Davis, Esq.
Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

Re: ADM 2010-32
Default Judgment Court Rule

Dear Mr. Davis:

Subject to one qualification, the Family Law Section & Family Law Council strongly support ADM 2010-32, which will result in positive change in the current practice of Default Judgments in Family Law cases. There is a long history to ADM 2010-32, and this consensus Amendment has been the product of a large workgroup between the Michigan Judges Association, the Family Law Section and other interested parties.

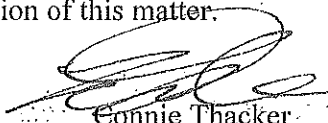
A major impetus to the changes has been the major problem arising out of the swelling numbers of pro se or unrepresented parties in Default Judgment proceedings. The proposed amendments expand the tools needed by Family Law judges to deal with Default issues. The Family Law Council supports those changes in Default practice and procedure.

Likewise, the Council supports and endorses the recognition of "Consent Judgments" in divorce practice; formal recognition of Consent Judgments is timely in our current practice insofar as Consent Judgments have been utilized for decades by Family Law attorneys.

Council has worked closely with Judge Kathleen Feeney, Kent County and Judge Joan Young, Oakland County on ADM 2010-32 in supporting ADM 2010-32. The only "qualification" is the suggested deletion of the phrase "not otherwise admissible" from §5(c) and §5(d) from the proposal.

When Council voted to support the proposal in 2011, and again on January 28, 2012 it expressed the view that this language is both unnecessary (Trial courts always have discretion to admit such evidence as it deems appropriate), and possibly problematic in opening the door to "inadmissible" evidence.

Thank you for your consideration of this matter.


Connie Thacker
Chair - Family Law Section

